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BROMBERG SUNSTEIN

APR 24 2006

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BROMBERG & SUNSTEIN LLP

FACSIMILE

| | | | |
|----------|---|-----------|---------------------------|
| TO | Elia Colbert | FAX | (571) 273-8300 |
| FROM | M. Brad Lawrence <i>br</i> | PAGES | 28 (INCLUDING THIS SHEET) |
| PHONE | (571) 272-6741 | DATE | 4/24/2006 |
| RE | Response To Notice of Incomplete Reply Application No.: 09/668,255 | | |
| OUR FILE | 2955/103 | YOUR FILE | |

COMMENTS

Dear Examiner Colbert,

Attached, for your convenience, is a copy of the *Response To Notice of Incomplete Reply* filed today, which includes a complete copy of the amendment filed January 18, 2006 in the above-identified application.

M. Brad Lawrence
Reg. No. 47,210
Attorney for Applicants

PLEASE NOTIFY BROMBERG & SUNSTEIN LLP AT (617) 443-9292, IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

THIS TRANSMITTAL IS INTENDED ONLY FOR THE ADDRESSEE, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS TRANSMITTAL IS NOT THE ADDRESSEE, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

02955/00103 489149.1

COPY

Practitioner's Docket No. 2955/103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Evelyn et al.

Application No.: 09/668,255

Filed: 09/21/2000

For: System and Method for Pricing and Allocation
of Commodities or Securities

Group No.: 3624

Examiner: Colbert, Ella

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PATENT
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APR 24 2006

NOTICE OF INCOMPLETE REPLY TRANSMITTAL

- Transmitted herewith is a Response to the March 23, 2006, Notice of Incomplete Reply, a complete copy of the Amendment filed in the U.S. Patent & Trademark Office on January 18, 2006, and a copy of the return postcard dated January 20, 2006, confirming receipt of that Amendment.

STATUS

- Applicant is a small entity.

EXTENSION OF TERM

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

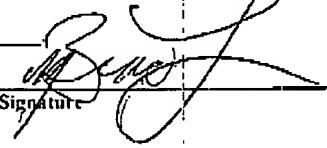
37 C.F.R. § 1.8(a) as "Express Mail Post Office to Addressee"

with sufficient postage as first class mail.

37 C.F.R. § 1.10*
 Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____


 Signature _____

Date: April 24, 2006

M. Brad Lawrence

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment Transmittal--page 1 of 2

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APR 24 2006

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1) CLAIMS REMAINING AFTER AMENDMENT | (Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR | (Col. 3) PRESENT EXTRA | SMALL ENTITY | |
|---|---|------------------------------|---------------------------------|-------------------|
| | | | RATE | ADDITIONAL FEE |
| <u>TOTAL</u> | 48 - 74 = 0 | x \$ 25.00 | = \$ | 0.00 |
| <u>INDEP.</u> | 3 - 3 = 0 | x \$ 100.00 | = \$ | 0.00 |
| <u>FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</u> | | + \$ 0.00 | = \$ | 0.00 |
| | | | TOTAL ADDITIONAL FEE | \$ 0.00 |

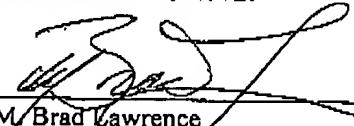
No additional fee for claims is required.

FEE DEFICIENCY

5. If an extension and/or fee is required, charge Account No. 19-4972.

If a fee for claims is required, charge Account No. 19-4972.

Date: April 24, 2006



M. Brad Lawrence
Registration No. 47,210
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125 Summer Street
Boston, MA 02110-1618
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02955/00103 489198.1

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Amendment Transmittal - page 2 of 2

COPY OF AMENDMENT FILED JANUARY 18, 2006
IN U.S. PATENT APPLICATION, SERIAL NO. 09/668,255

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Practitioner's Docket No. 2955/103

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Evelyn et al.

Application No.: 09/668,255

Filed: 09/21/2000

Group No.: 3624

Examiner: Colbert, Ella

For: System and Method for Pricing and Allocation
of Commodities or SecuritiesMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

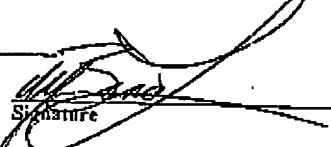
deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

37 C.F.R. § 1.8(a)
 with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

Date: January 18, 2006

M. Brad Lawrence

(Type or print name of person certifying)

** Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing, or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

Amendment Transmittal--page 1 of 2

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APR 24 2006

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1) CLAIMS | (Col. 2) REMAINING AFTER AMENDMENT | (Col. 3) HIGHEST NO. PREVIOUSLY PAID FOR | SMALL ENTITY | | | |
|--|---|---|------------------|------------------|-------------------|-----------------|
| | | | PRESENT EXTRA | RATE | ADDIT. FEE | |
| TOTAL | 48 | - | 74 | = | 0 | \$ 25.00 |
| INDEP. | 3 | - | 3 | = | 0 | \$ 100.00 |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | + \$ 0.00 | = \$ 0.00 | |
| | | | | TOTAL | ADDIT. FEE | \$ 0.00 |

No additional fee for claims is required.

FEE DEFICIENCY

5. If any extension and/or fee is required, charge Account No. 19-4972.

If any fee for claims is required, charge Account No. 19-4972.

Date: January 18, 2006


 M. Brad Lawrence
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 125 Summer Street
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 Customer No. 02101

02955/00103 460710.1

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Amendment Transmittal—page 2 of 2

Please Date Stamp and Return

The Commissioner for Patents has received from Bromberg & Sunstein LLP the following re:

| | | | |
|--------------------|---|-------------|------------------|
| Inventor: | Evelyn, Michael H. | Docket No.: | 2959103 |
| Title: | Auction System & Method for Pricing and Allocation during Capital Formation | Art Unit: | 3624 |
| Serial/Parent No.: | 09/668,255 | Examiner: | Colbert, Ella |
| Filing/Issue Date: | 09/21/2000 | Date: | January 18, 2006 |
| Express Mail No.: | | | |

Documents:

New Application Transmittal
 Provisional Application Cover Sheet
 Description- pages
 Claims- pages
 Abstract
 Application Data Sheet
 Request and Certification under 35 USC 119(e) (1) sheets of drawings
 formal informal
 Declaration & Power of Attorney
 executed unexecuted

Amendment Transmittal - 2 pages
 Amendment (Preliminary)
 Amendment - 17 pages
 IDS & References
 Petition for month extension
 Issue Fee Transmittal & Form PTOL-85b
 Payment of Maintenance Fee
 Assignment/Recordation Form Cover Sheet
 Check in the amount of \$
 Completion of Filing Requirements
 Transmittal of Formal Drawings



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MBL:mtb Please Date Stamp and Return

The Commissioner for Patents has received from Bromberg & Sunstein LLP the following re:

| | | | |
|---------------------|---|-------------|----------------|
| Inventor: | Evelyn, Michael H. | Docket No.: | 2955/103 |
| Title: | System and Method for Pricing and Allocation of Commodities or Securities | Art Unit: | 3624 |
| Serial/ Patent No.: | 09/668,255 | Examiner | Colbert, Ella |
| Filing/ Issue Date: | September 21, 2000 | Date: | April 24, 2006 |
| Express Mail No.: | | | |

Documents:

| | |
|---|---|
| <input type="checkbox"/> New Application Transmittal | <input type="checkbox"/> Amendment Transmittal |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input type="checkbox"/> Amendment (Preliminary) |
| <input type="checkbox"/> Description- pages | <input type="checkbox"/> Response to N/Incomplete Reply - 2 pages |
| <input type="checkbox"/> Claims- pages | <input type="checkbox"/> IDS & References |
| <input type="checkbox"/> Abstract | <input type="checkbox"/> Petition for (month) extension |
| <input type="checkbox"/> Application Data Sheet | <input type="checkbox"/> Issue Fee Transmittal & Form PTOL-85b |
| <input type="checkbox"/> Request and Certification under 35 USC 122(b)(2)(B)(i) sheets of drawings | <input type="checkbox"/> Payment of Maintenance Fee |
| <input type="checkbox"/> <input type="checkbox"/> formal <input type="checkbox"/> informal | <input type="checkbox"/> Assignment/Recordation Form Cover Sheet |
| <input type="checkbox"/> Declaration & Power of Attorney | <input type="checkbox"/> Check in the amount of \$ |
| <input type="checkbox"/> <input type="checkbox"/> executed <input type="checkbox"/> unexecuted | <input type="checkbox"/> Completion of Filing Requirements |
| <input checked="" type="checkbox"/> Copy of Amendment Return postcard dated 1/20/06 | <input type="checkbox"/> Transmittal of Formal Drawings |
| | <input type="checkbox"/> N/Incomplete Reply/Transmittal - 2 pages |
| | <input checked="" type="checkbox"/> Complete copy of Response filed 1/18/06 |

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